Lynch, Cynthia

From: TMFeedback
Sent: Tuesday, October 26, 2010 6:18 PM
To: Lynch, Cynthia; Marsh, Sharon; Cohn, Debbie
Subject: FW: Domain name
Attachments: MISSNUDETEENUNIVERSE.COM letter.pdf

Please see the below/attached.

(b)(5)

From: Lance W [mailto:(b)(6)]
Sent: Tuesday, October 26, 2010 6:13 PM
To: TMFeedback
Subject: Fwd: Domain name

Responding to "bullied by big corp." Not long after I registered the domain, I recieved the attached. The domain is dormant/not being used. Currently, a search of similar/like kind trademark returns a list 50+ simialr. Search "Miss Universe."

Lance

---------- Forwarded message ----------
From: **Jakobsson, Anna** <(b)(6)>
Date: Tue, Oct 26, 2010 at 5:42 PM
Subject: Domain name
To: "(b)(6)
<(b)(6)
<

Dear Sir or Madam:

Please see our attached correspondence. Thank you.

Anna Jakobsson | Kelley Drye & Warren LLP
101 Park Avenue, New York, NY 10178
(b)(6)

Please consider the environment before you print this e-mail.

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KELLEY DRYE & WARREN LLP
A LIMITED LIABILITY PARTNERSHIP

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NEW YORK, NEW YORK 10178
(b)(6)

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PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES
MUMBAI, INDIA

FACSIMILE
(b)(6)

ANNA M. JAKOBSSON
(b)(6)

October 26, 2010

VIA E-MAIL (b)(6)
(b)(6)

BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Domains By Proxy, Inc.
15111 N. Hayden Rd., Ste. 160, PMB 353
Scottsdale, AZ 85260

Re: Miss Universe L.P., LLLP – Infringement of Marks

Dear Sir or Madam:

Please note that this firm now represents Miss Universe L.P., LLLP in this matter and that all future correspondence should be directed to our attention. As you are now aware, Miss Universe L.P., LLLP ("Miss Universe") is the owner of various trade- and service marks, including MISS UNIVERSE®, MISS USA®, MISS TEEN USA®, and related marks (collectively, the "Marks").

You have failed or refused to respond to our client's correspondence dated June 22, 2010, a courtesy copy of which is enclosed herewith. We nevertheless remain hopeful that this matter can be resolved amicably. We will refrain from taking further action, provided that you immediately: (i) cease and desist from all use of the Infringing Marks, including the Disputed Domain Name MISSNUDETEENUNIVERSE.COM; (ii) agree to assign any and all rights that you may currently hold in the Disputed Domain Name to Miss Universe; and (iii) agree to refrain from further use of the Infringing Marks.

If we do not receive written confirmation that you have complied with the foregoing by November 3, 2010, we will consider taking all actions necessary to protect our client's rights.

The demands made herein shall not waive or prejudice any rights or remedies which our client may have in respect of the subject matter hereof, all of which are hereby expressly reserved.

We look forward to hearing from you.

Sincerely,

Anna M. Jakobsson

Encl.

cc: Andrea E. Berner, Esq.
Andrea L. Calvaruso, Esq.

MISSUNIVERSEORGANIZATION

An NBC Universal, Inc. and Donald J. Trump Partnership

June 22, 2010

VIA MAIL & EMAIL

MISSNUDETEENUNIVERSE.COM
Lance Wayne
1521 Alton rd 113
Miami Beach, FL 33139
(b)(6)

Re: Infringement of Miss Universe L.P., LLLP's Marks

Dear Mr. Wayne:

I am the Vice President, Legal and Business Affairs of Miss Universe L.P., LLLP ("Miss Universe"). Miss Universe is the owner of various trade- and service marks, including MISS USA®, MISS TEEN USA®, MISS UNIVERSE®, and related marks (collectively, the "Marks"). It has used the Marks for decades in connection with its world-famous beauty pageants and these marks are registered in many countries around the world. The MISS USA and MISS UNIVERSE marks have been used in the U.S. since the 1950's and their registrations are now incontestable.

It has come to our attention that you have registered the domain name **MISSNUDETEENUNIVERSE.COM** ("Disputed Domain Name"). Such use or trafficking in the Disputed Domain Name, which are confusingly similar to the Marks, may subject you to damages and/or cancellation or transfer of the Disputed Domain Name, pursuant to section 43(d) of the U.S. Lanham Act (the "Anti-Cybersquatting Act") and/or the Internet Corporation for Assigned Names and Numbers ("ICANN")'s Uniform Domain Name Dispute Resolution Policy.

Moreover, your use of the mark, name or title **MISSNUDETEENUNIVERSE.COM** or any designation similar to any of the Marks (collectively "Infringing Marks") constitutes trademark infringement and dilution of Miss Universe's famous Marks and falsely suggests, in violation of the U.S. Lanham Act and similar provisions under local law, that Miss Universe has sponsored, authorized or is otherwise connected with your corporation and its products and/or services.

Violation of these laws may entitle Miss Universe to injunctive relief, monetary recovery of your profits and of Miss Universe's actual losses, punitive damages, as well as recovery of attorneys' fees and court costs. In any action taken to enforce Miss Universe's rights, we would seek such remedies.

MISS UNIVERSE L.P., LLLP
Producers of MISS UNIVERSE®, MISS USA®, and MISS TEEN USA®
1370 Avenue of the Americas, 16th Floor • New York, NY 10019
phone 212 373 4999 • fax 212 315 5378

We hereby demand that you immediately: (i) cease and desist from all use of the Infringing Marks, including the Disputed Domain Name **MISSNUDETEENUNIVERSE.COM**; (ii) agree to assign any and all rights that you may currently hold in the Disputed Domain Name to Miss Universe; and (iii) agree to refrain from further use of the Infringing Marks.

We request that, within ten (10) days from the date hereof, you or your counsel contact us to arrange your compliance with the foregoing. If you fail to comply with these demands, we will have no choice but to consider all actions necessary fully to protect Miss Universe's rights.

The demands made herein shall not waive or prejudice any rights or remedies which we may have in respect of the subject matter hereof, all of which rights and remedies are hereby expressly reserved.

Very truly yours,

Andrea Berner

Andrea E. Berner

cc: Andrea L. Calvaruso, Esq.
Anna Jakobsson, Esq.
(via email)